

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BBO LIQUIDATION CORP., as successor-in-interest to BROADBAND OFFICE, INC.,

Plaintiff,

vs.

DITTO COMMUNICATIONS TECHNOLOGIES INC. D/B/A DITTCOMM TECHNOLOGIES,

and

DONALD W. DITTO D/B/A DITTCOMM TECHNOLOGIES,

Defendants.

Chapter 11

Case No. 01-1720 (BLS)

CIVIL CASE NO. 04-399 (GMS)

**REQUEST FOR ENTRY OF DEFAULT BY CLERK
OF THE COURT AND FOR ENTRY OF JUDGMENT BY DEFAULT
PURSUANT TO FED. R. BANKR. P. 7055 AND FED. R. CIV. P. 55(a)(1)**

Plaintiff BBO Liquidation Corp. (“Plaintiff”), as successor-in-interest to BroadBand Office, Inc. (“BBO”), by and through Plaintiff’s undersigned counsel, hereby files this request for the Clerk of the Court to enter a default against the defendant, DITTO COMMUNICATIONS TECHNOLOGIES INC. D/B/A DITTCOMM TECHNOLOGIES (“Ditto”) and DONALD W. DITTO D/B/A DITTCOMM TECHNOLOGIES (“Mr. Ditto”) and together with Ditto, the “Defendants”) and for judgment upon such default pursuant to Fed. R. Bankr. P. 7055 and Fed. R. Civ. P. 55(a), and in support hereof respectfully states as follows:

1. Plaintiff filed a complaint against Ditto on December 23, 2003, initiating the above-captioned adversary proceeding in the United States Bankruptcy Court for the District of Delaware. Ditto, by counsel, filed an answer to the complaint on March 5, 2004. On June 18, 2004, the Court entered an order withdrawing the reference to the United States District Court for the District of Delaware.

2. The Court has entered a scheduling order (Docket No. 15) in which the Court, inter alia, authorized Plaintiff to direct the Clerk of the Court to enter a default and judgment by default in accordance with Bankruptcy Rule 7055 against a party whose counsel withdraws its appearance, unless within thirty (30) days after the date of a motion or stipulation to withdraw is filed, new counsel for such party enters its appearance.

3. On September 16, 2005, upon motion of Ditto, Ditto's counsel of record withdrew its appearance in this case. See Docket Nos. 16 and 17. To date, no new counsel has entered its appearance on behalf of Ditto. As such, pursuant to the terms of the scheduling order, the Plaintiff is entitled to entry of default and default judgment against Ditto.

4. On January 26, 2006, the Court entered an order authorizing the Plaintiff to file the First Amended Complaint pursuant to which Mr. Ditto was added as a party to this adversary proceeding. The Defendants were required to file an answer in response to the First Amended Complaint by February 16, 2006. To date, the Defendants have taken no action in this case.

5. Plaintiff therefore requests that the Clerk of the Court enter a default against the Defendants. Plaintiff further requests that the Court enter a judgment on account of such

default in the amount sought in the Complaint in this case, \$40,840.32, plus costs in the amount of \$150.

6. Upon information and belief, the Defendants are not (a) infants, (b) incompetent persons, or (c) in the military service of the United States, any State or Territory thereof or its allies as defined in the Servicemembers Civil Relief Act.

WHEREFORE, Plaintiff respectfully requests that (i) the Clerk of this Court enter a default against the Defendants and (ii) the Court enter a money judgment in favor of BBO Liquidation Corp. against the Defendants in the amount of \$40,840.32, plus costs in the amount of \$150.00.

Dated: September 27, 2007
Wilmington, Delaware

Respectfully submitted,
PEPPER HAMILTON LLP

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